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Stephen E. Feldman, P.C.
12 East 41st Street
New York, NY 10017

In re application of	:	DECISION ON PETITION
Benjamin silberstein, et al.	:	TO MAKE SPECIAL
Application No. 10/802,359	:	(INFRINGEMENT)
Filed: March 16, 2004	:	
For: METHOD FOR SELLING JEWELRY	:	
WITH STONES FROM A SINGLE	:	
SOURCE	:	

This is a decision on the petition under 37 C.F.R § 1.102(d) filed May 20, 2005 to make the above-identified application special. The petition requests that the above-identified application be made special under the procedure set forth in M.P.E.P. § 708.02, item II: Infringement.

MPEP 708.02 states that a Petition to Make Special based on Infringement must have the following: (1) the appropriate petition fee under 37 CFR 1.17(i); (2) a statement by the assignee, applicant, or attorney alleging: (A) that there is an infringing device or product actually on the market or method in use; (B) that a rigid comparison of the alleged infringing device, product or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed; and (C) that he or she has made a careful and thorough search of the prior art, or has good knowledge of the prior art, and has sent a copy of the references deemed most closely related to the subject matter encompassed by the claims.

The petition filed May 20, 2005 lacks requirement 2(C), above.

Regarding item 2(C), there is no record in the application of applicant submitting a copy of the references deemed most closely related to the subject matter encompassed by the claims.

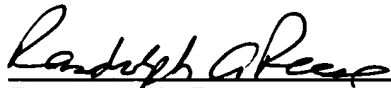
In view of this deficiency, the petition is **DISMISSED**.

Any request for reconsideration must be filed within TWO MONTHS of the date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Should petitioner desire reconsideration, he should supplement this petition by a declaration or statement giving the information as outlined above.

Applicant should promptly submit a renewed petition to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. The envelope should indicate that the correspondence be brought to the attention of Technology Center 3600.

Until the renewed petition is submitted, the application will be returned to the examiner's docket to await treatment on the merits in the normal order of examination.

SUMMARY: Petition to Make Special **DISMISSED**.



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RAR/dcg: 7/29/05